

Claim Amendments

Claims 75 and 78 have been amended to recite the hops as being "hop solids which have been pre-extracted with a non-polar inorganic or organic solvent". This amendment has a basis at page 9, lines 12-15 of the application as filed. Claims 76 and 79 have been amended to recite the hops as being pre-extracted with liquid/supercritical carbon dioxide. This amendment has a basis at page 11, lines 19-23 of the application as filed.

35 U.S.C. § 102(b)

Amended independent claims 75 and 78 now recite the extract as being from hop solids which have been pre-extracted with a non-polar inorganic or organic solvent. This type of extraction removes hop soft resin (alpha-acids and beta-acids), oils and waxes from hops (see page 11, lines 19-25 of the application).

Upon review of Murtaugh, it is apparent that the extracts of Murtaugh are prepared using polar solvents, that is, methanol and water. The extracts of Murtaugh include high levels of alpha-acids and beta-acids as shown in Table Nos. 5 & 6 and in fact, Murtaugh teaches that high levels of alpha-acids and beta-acids are desirable (see page 4, last paragraph of Murtaugh). Thus, Murtaugh teaches away from an additive that has been processed to remove alpha-acids and beta-acids as in the invention of amended claims 75 and 78. Therefore, it is respectfully submitted that amended claims 75 and 78 (and claims 76-77 and 79-80 that depend thereon) are patentable over Murtaugh.

Supplemental Information Disclosure Statement

A Supplemental Information Disclosure Statement has been submitted for Examiner consideration. The documents listed on Form 1449 were cited by the European Patent Office in a Supplementary European Search Report dated May 23, 2002 for the corresponding European patent application. No fee is believed due for consideration of these references as they are being cited within three months of the search.

Conclusion

In view of the amendments and remarks above, it is now believed that the application is in condition for allowance. However, the Examiner is invited to contact the undersigned attorney by telephone if doing so would expedite the allowance of this application. If any other fees are deemed necessary, please charge Deposit Account No. 17-0055 accordingly.

Respectfully submitted,

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Dated: July 8, 2002

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Version with markings to show changes made

-- 75. (Amended) In a post-kettle boil, post-fermentation additive for direct addition to a malt beverage, the improvement which comprises a purified and converted aqueous alcohol extract of hops which are purified with respect to glycosides and then at least some of the glycosides are converted to aglycones by breaking the attachment of the sugar moiety to the aglycone molecule[.], wherein the hops are hop solids which have been pre-extracted with a non-polar inorganic or organic solvent. --

-- 76. (Amended) The additive of claim 75, wherein the hops are hop solids which have been pre-extracted with liquid/supercritical carbon dioxide. --

-- 78. (Amended) In a post-kettle boil, post-fermentation additive for direct addition to a malt beverage, the improvement which comprises a purified and converted aqueous alcohol extract of hops which are purified with respect to glycosides by removing at least some free carbohydrates and inorganic salts and then at least some of the glycosides are converted to aglycones by breaking the attachment of the sugar moiety to the aglycone molecule[.], wherein the hops are hop solids which have been pre-extracted with a non-polar inorganic or organic solvent. --

-- 79. (Amended) The additive of claim 78, wherein the hops are hop solids which have been pre-extracted with liquid/supercritical carbon dioxide. --

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